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March 11, 2024

VIA ECF

The Honorable Arun Subramanian
United States District Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

**Re: *Schoenadel v. YouGov America Inc.*, Case No. 22-CV-10236-AS
Request for Leave to File Exhibits and Deposition Transcripts Under Seal**

Dear Judge Subramanian:

Squire Patton Boggs (US) LLP represents Defendant YouGov America Inc. (“YouGov” or “Defendant”) in connection with the above-referenced action. In accordance with Your Honor’s Individual Rules and Practices, Rule 11(C)(ii), YouGov respectfully seeks leave to file under seal the deposition transcripts of Plaintiff Tracy Schoenadel, Alexander McIntosh, Tilly Heald, Sundip Chahal, Krista Miller, Ray Martin, Victor Gras, and Nicole Pike, and non-party deposition transcripts of Geoffrey Kalan, Jordan Deitch, Chris Todd, and Scott Horowitz, as well as 11 exhibits cited as evidence in its Rule 56.1 Statement of Facts (in support of YouGov’s Motion for Summary Judgment) to be filed by March 15, 2024. Plaintiff does not oppose this request to file the aforementioned documents under seal.

The lengthy deposition transcripts (multiple of which are over 300 pages) are littered with confidential YouGov client names and information, financial information related to YouGov’s business, compensation and personnel information regarding multiple former and current YouGov employees, and the confidential business information of a non-party to this action. Plaintiff’s deposition transcript also contains pages of testimony regarding her medical records and treatment. Additionally, the deposition transcripts include references throughout to over 300 “Confidential” or “Highly Confidential” exhibits, which have been marked in accordance with the Protective Order entered by this Court on April 28, 2023 (ECF No. 24).

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For the exhibits, Deposition Exhibit 30 and Exhibits 1 and 2 to the Declaration of Krista Miller contain private and confidential client information and financial information related to YouGov's business. Making such documents publicly available would provide an unfair economic advantage to YouGov's competitors and will result in disclosure of YouGov's proprietary information. Additionally, Deposition Exhibit 158 contains confidential information regarding other employees' compensation and Deposition Exhibit 328 is a non-party client confidential document. Further Deposition Exhibit 79 contains Plaintiff's and a non-party's sensitive financial information.

Furthermore, YouGov intends to cite to certain documents produced by non-parties to this action: Playfly, LLC and Jordan Deitch. Counsel for Mr. Deitch and Playfly, LLC has requested YouGov file each of the documents under seal for the following reasons:

- Deposition Exhibit 287: This document includes forward-looking strategy information for the company.
- Deposition Exhibit 294: This document includes sensitive forward-looking strategy information, reflected in both the cover email and the projections, including plans for potential future revenue streams and products. The projections include extremely sensitive internal budgeting information as well, which could cause competitive harm if made public.
- Deposition Exhibit 295: This document includes competitively sensitive information about strategies for the company, including how the new company will operate, future revenue streams, product offering and product pricing information, and budgeting figures. This document also includes prospective compensation for individual employees, which is not publicly available.
- Deposition Exhibit 296: This document includes similar information on budgeting, and compensation, and additionally includes information about specific clients.
- Deposition Exhibit 299: This document includes sensitive information about commissions, internal business arrangements, and individual employment terms, including for several non-party employees.

We therefore respectfully request your approval to file the following deposition transcripts and exhibits under seal pursuant to your Honor's Individual Rules and Practices: Deposition Transcript of Plaintiff Tracy Schoenadel, Alexander McIntosh, Tilly Heald, Sundip Chahal, Krista Miller, Ray Martin, Victor Gras, Nicole Pike, Geoffrey Kalan, Jordan Deitch, Chris Todd, and Scott Horowitz; and Deposition Exhibits 30, 79, 158, 287, 294, 295, 296, 299, and 328; and Exhibits 1-2 of the Declaration of Krista Miller. In accordance with your Honor's Individual Rules and Practices, the proposed sealed documents have been contemporaneously filed under seal on ECF and electronically related to this Letter Request.

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March 11, 2024

Respectfully submitted,

Squire Patton Boggs (US) LLP



Meghan E. Hill

Counsel for Defendant, YouGov America, Inc.

cc: Counsel of Record (by ECF)
Counsel for Non-Parties Playfly, LLC and Jordan Deitch (via e-mail)

Application granted.

The Clerk of Court is directed to terminate the motion at Dkt. 61.

SO ORDERED.



Arun Subramanian, U.S.D.J.
Date: March 12, 2024